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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAIRY EMPLOYEES UNION
LOCAL NO. 17 CHRISTIAN
LABOR ASSOCIATION OF THE
UNITED STATES OF AMERICA
PENSION TRUST, et al.,

Plaintiffs,

v.

ROBERT VANDER EYK DAIRY,

Defendant.

Case No.: CV 12-4545 DSF

JUDGMENT

On July 10, 2013, this court entered its Order Granting Plaintiffs' Motion for Summary Judgment. In accordance with that order,

IT IS ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Plaintiffs and against Defendant as follows:

- 1) Pursuant to 29 U.S.C. § 1132(g)(2)(A) & 1401(b)(1), Plaintiffs are awarded withdrawal liability in the amount of \$66,553.00 against Defendant, to be paid on the schedule set forth in Plaintiffs' demand letter of April 12, 2013, with all past due amounts to be paid within 10 days of entry of this judgment.

- 1 2) Pursuant to 29 U.S.C. § 1132(g)(2)(B), Plaintiffs are awarded
2 prejudgment interest on any portion of the withdrawal liability which was
3 not timely paid, to be calculated in accordance with the rates set by the
4 Pension Benefit Guaranty Corporation under 29 C.F.R. 4219.32 for
5 overdue withdrawal liability. The provisions of 29 U.S.C. Section
6 1132(g)(2) shall continue to apply to any quarterly withdrawal payments
7 that Defendant does not timely pay. Further, nothing herein precludes the
8 Pension Fund from accelerating the withdrawal liability pursuant to 29
9 C.F.R. 4219.31 through 4219.33, and the provisions of the Pension
10 Fund's trust document.
- 11 3) Pursuant to 29 U.S.C. § 1132(g)(2)(C)(ii), and the Pension Fund's trust
12 document, Plaintiffs are awarded liquidated damages of 20% of any
13 portion of the withdrawal liability that was not timely paid, to be
14 calculated as provided for in the Pension Plan's trust document.
- 15 4) The court retains jurisdiction to resolve any disputes that arise regarding
16 the calculation of interest or liquidated damages. Any such dispute shall
17 be brought to the court's attention by means of a noticed motion filed
18 within 90 days after entry of this judgment. In the event of an appeal of
19 this judgment, the time for bringing such a motion shall be tolled pending
20 final resolution of the appeal.
- 21 5) Pursuant to 29 U.S.C. § 1132(g)(2)(D), Plaintiffs are also awarded
22 attorneys' fees in the amount of \$71,555.50 and non-taxable costs in the
23 amount of \$727.55. Taxable costs shall be determined in a post-
24 judgment bill of costs, as provided in Federal Rule of Civil Procedure
25 54(d)(1).

26 12/11/13

27 Dated: _____



HON. DALE S. FISCHER
United States District Judge